# DISTRICT OF COLUMBIA + + + + + ALCOHOLIC BEVERAGE CONTROL BOARD + + + + +

MEETING

IN THE MATTER OF:

To Be Determined, JBS
Ventures, LLC

\* Fact Finding

1064 Wisconsin Avenue NW \* Hearing

Retailer CT

License No. 92970

ANC 2E

Request to Extend Safekeeping \*

September 17, 2015

The Alcoholic Beverage Control Board met in Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street N.W., Washington, D.C., Chairperson Ruthanne Miller presiding.

### PRESENT:

RUTHANNE MILLER, Chairperson NICK ALBERTI, Member MICHAEL SILVERSTEIN, Member HECTOR RODRIGUEZ, Member JAMES SHORT, Member

### ALSO PRESENT:

Andrew Kline, on behalf of JBS Ventures, LLC Sergio Guerrero

1	P-R-O-C-E-E-D-I-N-G-S
2	(1:44 p.m.)
3	CHAIR MILLER: Okay. So, good
4	afternoon. We are here on a Thursday to consider
5	a few cases primarily dealing with a request to
6	extend safekeeping.
7	The first case is entitled To Be
8	Determined - JBS Ventures, LLC, located at 1064
9	Wisconsin Avenue, N.W., License Number 92970, and
10	ANC 2E, and as I think I've stated this is a
11	request to extend safekeeping.
12	So whenever you are ready would you
13	identify yourselves for the record, please?
14	MR. KLINE: Yes. Good afternoon,
15	Board Members. Andrew Kline on behalf of the
16	Applicant. Identify yourself, please.
17	MR. GUERRERO: Hi. My name is Sergio
18	Guerrero, good afternoon, on behalf of JBS
19	Ventures.
20	CHAIR MILLER: Rivero?
21	MR. GUERRERO: Guerrero, G-U
22	CHAIR MILLER: Could you spell it,

please? 1 2 MR. GUERRERO: It's G-U-E-R-R-E-R-O. CHAIR MILLER: 3 Okay, thank you. MR. GUERRERO: You're welcome. 4 CHAIR MILLER: So we have called 5 certain licensees in who may have requested to 6 7 extend safekeeping where we have certain questions, especially where they are a couple of 8 9 years old. So this one it looks like, according 10 11 to my notes, it was placed in safekeeping in 12 October 2013, so we are interested in knowing 13 what the plan is to reuse the license and what's been going on since 2013, why has it been there 14 15 this amount of time? 16 Okay, I'll start and then MR. KLINE: I'll let Mr. Guerrero fill in from there. 17 18 CHAIR MILLER: Okay, thank you. MR. KLINE: Madam Chair and Members of 19 20 the Board, this application was applied for in connection with a project that Mr. Guerrero and 21

Mr. John Redmond were pursuing and they were

acquiring the property and intended to acquire the property and use the license at that location.

Unfortunately, the underlying business deal fell apart. They did not end up acquiring the property and they actually, this was not one of those licenses where they waiting in line, they actually purchased this license from another licenseholder with the anticipation that they were going to close this business deal and use the license at that location.

Regrettably, from their standpoint, after purchasing the license and paying, you know, some money for it, the business deal blew apart.

Since then they have been, you know, looking at other locations in Georgetown where they might do a similar concept. They, at this time, I don't think have located anything definitive.

We do understand that this license obviously has value because of the moratorium in

Georgetown, which we know will be revisited I think in the Spring, so we are, at this point, asking that the safekeeping be extended certainly at least until -- I think the fees are paid through --

MR. GUERRERO: Spring.

MR. KLINE: Spring, yes. The fees are paid through the Spring at this point. I think that Mr. Guerrero was a little surprised. He called me and he said well, I paid, I don't really understand why is there an issue, they have my money.

CHAIR MILLER: Right.

MR. KLINE: But I explained to him what the Board's concerns are with respect to these licenses and he is aware of that and that's all I know.

If there is anything you want to add or any questions that the Board has in terms of where we are we're happy to try and answer them.

CHAIR MILLER: Okay. Board Members?

MEMBER SILVERSTEIN: Where are we?

What's the path going forward?

MR. KLINE: Well the path is they are attempting to locate another premises where they would use this license for the concept that they originally anticipated at 1064-1066 Wisconsin, which did not happen, they didn't acquire it.

And they are, Mr. Redmond and Mr. Guerrero are, although have some background in the restaurant industry, are also real estate investors and developers, so it's not as if they're going to go lease a place, they want a place that they could acquire in terms of real property and use the license at a location that they acquire.

MEMBER SILVERSTEIN: How long have they been looking?

MR. GUERRERO: Actually, may I?

MR. KLINE: Go ahead.

MEMBER SILVERSTEIN: Sure, please.

MR. GUERRERO: We have identified a potential location at 1071 Thomas Jefferson Street, which we thought it was going to go much

faster but it's the historic review in Georgetown, we got, much longer than we anticipated.

And once that was completed we ran into some structural problems. It was an old townhouse next to a hotel. It used to be called the Hotel Monticello and now it's called The Graham on Thomas Jefferson.

MEMBER SILVERSTEIN: Oh, right.

MR. GUERRERO: Anyway, so between the historic board review and plans and then the structural problems, I don't even understand them, but the structure, it had a lot of complications.

So we're trying to work through all of that and hopefully to a positive resolution so we can use it there. I don't know if that -- That's kind of what --

MEMBER SILVERSTEIN: No, that's fine.

So that is still the active option, that is Plan

A at this point?

MR. GUERRERO: Yes. Yes, that's the

1	option we are pursuing, yes.
2	MEMBER SILVERSTEIN: And where are you
3	currently in Plan A, where is your
4	MR. GUERRERO: So the landowner was
5	beginning to do some demo, you know, we don't own
6	it, and then we ran, he ran, or we ran together
7	into the structural problems, so we are
8	evaluating, you know, the cost to fix them, bring
9	everything up to par so we can continue with the
10	demo and then hopefully either do a lease or
11	purchase of the townhouse.
12	It has a nice patio in the back
13	overlooking the
14	MEMBER SILVERSTEIN: Canal?
15	MR. GUERRERO: I think it's a federal
16	part of Next to the canal.
17	MEMBER SILVERSTEIN: Oh.
18	MR. GUERRERO: What used to be next to
19	the Latham Hotel.
20	MEMBER SILVERSTEIN: Yes.
21	CHAIR MILLER: Yes.
22	MR. GUERRERO: It's like a little area

1	there.
2	MEMBER SILVERSTEIN: Yes.
3	MR. GUERRERO: It belongs to the Parks
4	Services. But this townhouse has a very nice
5	patio overlooking, well facing that, but that's
6	where we are.
7	I guess to answer your question is we
8	are working through the structural problem
9	issues.
10	MEMBER SHORT: I had a question, Madam
11	Chair.
12	CHAIR MILLER: Okay. Mr. Short?
13	MEMBER SHORT: Are you leasing now, do
14	you have a lease of the apartment at Thomas
15	Jefferson?
16	MR. GUERRERO: Not yet.
17	MEMBER SHORT: How long have you been
18	working on getting a lease?
19	MR. GUERRERO: After the other deal
20	fell through we found it at the beginning of the
21	Summer with
22	MEMBER SHORT: Of this Summer?

1	MR. GUERRERO: This Summer.
2	MEMBER SHORT: So it's been two years,
3	October 13 till the beginning of this Summer,
4	pretty close to two years, right?
5	MR. GUERRERO: Well first we were
6	working on the other property that he described.
7	MEMBER SHORT: Okay.
8	MR. GUERRERO: And it was a Anyway,
9	we
10	MEMBER SHORT: Well I guess what I'm
11	trying to figure out, if you are going to
12	Thomas Jefferson that's the only option you have
13	now and it has structural problems?
14	MR. GUERRERO: Yes. First we
15	identified one, it fell apart, and now we have
16	Thomas Jefferson Street and, yes, you are correct
17	it has structural problems that we're trying to
18	resolve.
19	MEMBER SHORT: How much longer do you
20	think you are going to need before you will be
21	able to take this out safekeeping?
22	MR. GUERRERO: I am anticipating I

1	am not a mechanical engineer, but I hope we will
2	be ready to use it by the time it's up for
3	renewal. I think my fees that I paid are up to
4	April of 2016.
5	MEMBER SHORT: Yes.
6	MR. GUERRERO: So by then, by April of
7	2016.
8	MEMBER SHORT: So if you came back in
9	here some time around April or May you should
10	have better information for us?
11	MR. GUERRERO: Yes. I will, yes.
12	CHAIR MILLER: Mr. Rodriguez?
13	MEMBER RODRIGUEZ: Yes. Mr. Guerrero,
14	tell me a little bit about your concept and does
15	your concept drive the kind of facility that you
16	need?
17	MR. GUERRERO: I am from Mexico,
18	Mexico City. I don't know if you guys, or you
19	gentlemen or lady have been to Mexico.
20	MEMBER RODRIGUEZ: Sure.
21	MR. GUERRERO: But in my humble
22	opinion the food is very good and I think in the

D.C. area it's a little under-represented. It's more a Tex-Mex. The little Mexican restaurants are more Tex-Mex.

In Mexico if you go to a restaurant you don't even see a burrito on the menu, that's more of a Tex-Mex thing. So we thought that maybe bringing something really original, or attempt it, real Mexican, could work.

I think people love guacamole and a margarita in the summertime.

MEMBER RODRIGUEZ: Yes.

MR. GUERRERO: But our concept is to do Mexican, but more authentic, rather than burritos or enchiladas.

MEMBER RODRIGUEZ: Right. So does the physical location then, what you are looking for in your physical location is there particular specs that you are looking for in light of your concept?

MR. GUERRERO: No, not specifically.

We thought about the location at Thomas Jefferson

Street because it's next to the hotel, it used to

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1	be called the Monticello.
2	MEMBER RODRIGUEZ: Okay.
3	MR. GUERRERO: And they just did a
4	major rehab.
5	MEMBER RODRIGUEZ: Yes.
6	MR. GUERRERO: Actually we used to own
7	the hotel.
8	MEMBER RODRIGUEZ: Oh.
9	MR. GUERRERO: So we sold it and the
10	new owner did major rehab and renamed it The
11	Graham Hotel. I don't know if you've had the
12	opportunity to go, they have a new bar on the
13	rook overlooking the Kennedy Center and the
14	Watergate Hotel.
15	MEMBER RODRIGUEZ: No.
16	MR. GUERRERO: So we thought because
17	of the traffic of the hotel
18	MEMBER RODRIGUEZ: Yes.
19	MR. GUERRERO: not only from the
20	guests, but also there is locals like all of us,
21	I think you live here, go there to the bar
22	because of the beautiful views.

1	We thought this could be a great place
2	to have either a cocktail and then dinner or vice
3	versa because of the traffic of all the hotels.
4	MEMBER RODRIGUEZ: Right.
5	MR. GUERRERO: We are also half a
6	block from the Waterfront.
7	MEMBER RODRIGUEZ: Yes, sir.
8	MR. GUERRERO: So I don't know if you
9	are familiar with Thomas Jefferson, but
10	MEMBER RODRIGUEZ: Yes.
11	MR. GUERRERO: I know people walk
12	from M to the Waterfront on Thomas Jefferson.
13	MEMBER RODRIGUEZ: Right, pedestrian
14	traffic is heavy there.
15	MR. GUERRERO: Yes, yes, and this is
16	right next door to the, it is literally wall-to-
17	wall to the hotel. The hotel is 1075 Thomas
18	Jefferson Street and this is 1071 Thomas
19	Jefferson Street, the one with the structural
20	problems.
21	MEMBER RODRIGUEZ: Right.
22	MEMBER SHORT: Very familiar with,

1	right there near K Street.
2	MR. GUERRERO: Yes, between K and M.
3	MEMBER SHORT: All right, yes. I'm
4	very familiar with it. But so I'm willing, and I
5	would like to make this recommendation, Madam
6	Chair, that we, six months and bring them back
7	in.
8	At that time they should be able to
9	tell us better information. That's my
10	recommendation.
11	CHAIR MILLER: Okay. I think that's
12	what they were suggesting as well, correct?
13	MR. KLINE: Yes.
14	CHAIR MILLER: So everybody's all
15	right with the six months.
16	(Multiple yeses)
17	MR. GUERRERO: May I ask a question?
18	CHAIR MILLER: Yes, sure.
19	MR. GUERRERO: Is it okay?
20	CHAIR MILLER: Yes.
21	MEMBER RODRIGUEZ: Yes.
22	CHAIR MILLER: That's why you're here.

1	MR. GUERRERO: Thank you. So I'm a
2	little confused on one thing.
3	CHAIR MILLER: Okay.
4	MR. GUERRERO: I just don't understand
5	it so maybe you can explain it to me.
6	CHAIR MILLER: Okay.
7	MR. GUERRERO: I also got a letter, so
8	I got two letters, one for the hearing
9	CHAIR MILLER: Okay.
10	MR. GUERRERO: Actually he got the
11	letter, the one for the hearing.
12	CHAIR MILLER: Okay.
13	MR. GUERRERO: And I got a letter
14	saying that I needed to pay a fee. I am
15	paraphrasing, but I have it with me, but the
16	letter says if you pay \$975 to keep the license
17	in safekeeping please pay it.
18	So I was telling Andrew I was confused
19	because Do I pay the fee and that means it
20	stays in safekeeping or do I don't pay the fee?
21	MEMBER SILVERSTEIN: You have a very
22	able lawyer

(Simultaneous speaking) 1 2 MALE PARTICIPANT: -- he knows the He knows the answer. 3 answer. MALE PARTICIPANT: Yes. 4 MR. KLINE: But I mean I think the 5 point is, and we've had this discussion, Sergio 6 7 and I have had this discussion. CHAIR MILLER: Okay. 8 9 I would hope now that this MR. KLINE: law is being implemented, I'm not sure it works 10 all that well. I mean it seems like we have two 11 conflicting policies here. 12 13 On the one hand we want people to pay to keep licenses in safekeeping, on the other 14 15 hand we don't want them to keep licenses in 16 safekeeping. So I think that the policies need to 17 18 be examined and there needs to be some thought 19 given to how this all fits together. 20 Frankly, when the law passes, I'm usually involved in those issues, but I think we 21

had things that were of larger concern than this

particular issue and the Restaurant Association 1 2 just didn't pay that much attention to it because there was other stuff going on. 3 CHAIR MILLER: Okay. 4 5 MEMBER ALBERTI: May I speak? MR. KLINE: But it doesn't look like, 6 7 it doesn't seem like it works real well and it might be worth having, the Board having some sort 8 9 of fact finding hearing or at least examining 10 this issue a little more carefully. 11 CHAIR MILLER: Okay. Mr. Alberti? 12 MEMBER ALBERTI: Yes. Mr. Kline, we 13 did, I mean before we implemented this we did examine it very closely. 14 15 The thought process really was that 16 the fee, and maybe it's not much of an inducement, but the fee is sort of an inducement 17 18 not to hold things in safekeeping for a long 19 time. 20 So it is consistent with our policy. We really want these licenses to be used, that's 21

why we examine, we bring people in to ask them,

you know, what are your plans for safekeeping. 1 2 You know, if it's been six months, a year, we're not bringing people in, but this one 3 I think goes back to --4 MEMBER SILVERSTEIN: 13. 5 MEMBER ALBERTI: 13, it's been two To 6 7 So we want to make sure that people have years. plans to use the licenses and we also want to 8 9 prod them through our fee to think about, you know, should I really just be keeping this in 10 11 safekeeping, should I be using this, because it's costing me a little bit more money and the fees 12 13 go up after two years. After two years -- I think it's 25 14 15 percent of your licensing fee --16 MEMBER SILVERSTEIN: I'm not sure. 17 MEMBER ALBERTI: -- each payment, 18 that's what it is currently. 19 MEMBER SILVERSTEIN: Okay. 20 It'll go up to 50 MEMBER ALBERTI: percent. After two years it will go up to 50 21 22 percent of your licensing fee for each payment.

So, again, there is that, that is the consistency.

MR. KLINE: And the other issues, and totally unrelated to this licensee, is I know that there are a number of licenses in safekeeping that have exemptions for the dancing that have been searching, those licensees have been searching unsuccessfully for years for a location where they meet all of the requirements.

MEMBER ALBERTI: Yes.

MR. KLINE: And I don't know, and I'm not saying you didn't and I'm not saying that Council didn't, I don't know whether there was thought given to that issue where these people, some of them, and I know in one case they paid annual license fees every year for like 15 years and now all of a sudden there is all this pressure for them to suddenly find a place to use it where there really aren't any, or very few, given the constraints of all -- That's all.

And I don't know that it was really focused on Council at public hearing, but it

might deserve another look. 1 2 MEMBER SILVERSTEIN: And the other thing, Mr. Guerrero, is that if you are in 3 moratorium zone it's an entirely different 4 situation in that we want those licenses to be 5 used because there is a limited number of 6 7 licenses. So it's not, you know, if someone has 8 9 one in safekeeping that means someone else can't open because there's a ceiling, and that's the 10 situation which is the reason and we wish you 11 12 well, buena suerte. 13 MR. GUERRERO: Okay. Thank you very Thank you very much, everybody. 14 much. 15 MEMBER SHORT: Mr. Guerrero, I had a 16 traditional Mexican dinner in Nogales. 17 MR. GUERRERO: Yes. 18 MEMBER SHORT: Traditional Mexican, 19 different than Tex-Mex. 20 MR. GUERRERO: It is different. MEMBER SHORT: But you're right 21 22 Washington D.C. needs a good traditional Mexican

1	restaurant.
2	MR. GUERRERO: Yes.
3	MEMBER SHORT: We wish you luck.
4	MR. GUERRERO: Thank you very much and
5	I appreciate that comment.
6	CHAIR MILLER: Go ahead.
7	MEMBER RODRIGUEZ: Yes. And, Mr.
8	Guerrero, from your answer I perceive that you
9	really have found a place that really fits your
10	marketing plan and you have a marketing strategy,
11	location, location.
12	You are enamored of that location
12 13	You are enamored of that location because of the pedestrian traffic and other
13	because of the pedestrian traffic and other
13 14	because of the pedestrian traffic and other advantages to marketing your business, this is
13 14 15	because of the pedestrian traffic and other advantages to marketing your business, this is what I understand and I can understand that and
13 14 15 16	because of the pedestrian traffic and other advantages to marketing your business, this is what I understand and I can understand that and appreciate it.
13 14 15 16 17	because of the pedestrian traffic and other advantages to marketing your business, this is what I understand and I can understand that and appreciate it.  MR. GUERRERO: Thank you, Mr.
13 14 15 16 17	because of the pedestrian traffic and other advantages to marketing your business, this is what I understand and I can understand that and appreciate it.  MR. GUERRERO: Thank you, Mr. Rodriguez.
13 14 15 16 17 18	because of the pedestrian traffic and other advantages to marketing your business, this is what I understand and I can understand that and appreciate it.  MR. GUERRERO: Thank you, Mr.  Rodriguez.  CHAIR MILLER: All right. Okay, I'm

1	CHAIR MILLER: Mr. Short has seconded
2	the motion. All those in favor say aye.
3	(Multiple ayes)
4	CHAIR MILLER: All those opposed?
5	(No audible response)
6	CHAIR MILLER: All those abstaining?
7	(No audible response)
8	CHAIR MILLER: Motion passes, 5-0-0.
9	Okay, and, you know, we heard what you had to
10	say, Mr. Kline, and, you know, we'll take those
11	thoughts into consideration and we'll see.
12	MR. KLINE: Great, thank you.
13	CHAIR MILLER: Okay.
14	MR. KLINE: Just one more comment on
15	that.
16	CHAIR MILLER: Sure.
17	MR. KLINE: And, again, this isn't the
18	rulemaking hearing, but just as much we're
19	talking about it
20	CHAIR MILLER: Right.
21	MALE PARTICIPANT: Yes.
22	CHAIR MILLER: Okay.

MR. KLINE: To Mr. Silverstein's point this issue arises where there are moratoria.

There are other areas where licenses might be in safekeeping for other reasons completely unrelated to a moratorium.

CHAIR MILLER: Right.

MR. KLINE: And the question that arises is well, why are we, you know, if it's an incentive in moratoriums and to make people put licenses into use why are we burdening these other people who might have them in safekeeping while they are, you know, a building is undergoing renovation and all sorts of fact patterns that we see.

That's all. I just, I don't think it was examined as closely as it could have been and I know I didn't look at is closely as I might have, for whatever that's worth.

CHAIR MILLER: Okay. So we hear your concerns and they are general, not necessarily related to this case --

MR. KLINE: Right.

1	CHAIR MILLER: and I don't know if
2	at some point do you want to put them in writing,
3	I think, for our focus.
4	MR. KLINE: Very well, okay.
5	MR. GUERRERO: Madam, I'm sorry?
6	CHAIR MILLER: Yes?
7	MR. GUERRERO: You are superior
8	because I am new at this. This ruling means I
9	don't have to pay the fee?
10	CHAIR MILLER: No, you do have to pay
11	it.
12	MR. KLINE: No, you have to pay it.
13	(Simultaneous speaking)
14	CHAIR MILLER: It means you are
15	allowed to keep it in safekeeping.
16	(Simultaneous speaking)
17	MR. GUERRERO: Okay, I just wanted to
18	make sure.
19	MR. KLINE: You may pay the pay.
20	MR. GUERRERO: Esta bien todo.
21	(Simultaneous speaking)
22	MR. GUERRERO: Esta bien.

1	MEMBER SILVERSTEIN: Rule one, you		
2	always have to pay the fee.		
3	MR. GUERRERO: Just to be clear. Well		
4	I thank you for your time.		
5	MEMBER SILVERSTEIN: Yes.		
6	CHAIR MILLER: Thank you, best of		
7	luck.		
8	MEMBER SILVERSTEIN: Thank you, sir.		
9	MR. KLINE: Thank you. Have a good		
10	afternoon.		
11	CHAIR MILLER: Okay.		
12	MR. GUERRERO: Have a good week.		
13	CHAIR MILLER: You, too.		
14	(Whereupon, the above-entitled matter		
15	went off the record at 2:04 p.m.)		
16			
17			
18			
19			
20			
21			
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